

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

APR - 3 2007

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY         *RD*         DEPUTY

KEVIN KERR a/k/a ALLAH,

Plaintiff-Petitioner,

**VS.**

UNITED STATES BUREAU OF  
PRISONS et al.,

Defendants-Respondents. )

No. CIV-07-41-W

## ORDER

On February 16, 2007, United States Magistrate Judge Bana Roberts determined that the initial pleading filed by Kevin Kerr a/k/a Allah failed to clearly state the nature of Kerr's claims and the relief he sought. She ordered Kerr to file an amended pleading on the appropriate form provided by the Clerk of the Court and to submit a short and plain statement of his claim or claims showing that he was entitled to relief in accordance with Rule 8, F.R.Civ.P. Kerr was advised that his failure to do so within the allotted time may result in dismissal of this action.

Kerr did not file an amended pleading, challenge Magistrate Judge Roberts' directive to do so or seek additional time to act. Accordingly, on March 21, 2007, Magistrate Judge Roberts issued a Report and Recommendation and recommended that this matter be dismissed without prejudice to refiling. Kerr was advised of his right to object, and the matter now comes before the Court on Kerr's Motion to Proceed in Cause as Captioned.

Upon de novo review of the record, the Court finds dismissal of this action without prejudice to refiling is warranted. Although Kerr has referred to numerous statutes, he has failed to identify clearly and concisely the particular claims he is asserting or set forth


sufficient information to advise the defendants/respondents of the events about which he is complaining and which give rise to this lawsuit. Kerr has likewise failed to demonstrate good cause why he did not comply with Magistrate Judge Roberts' Order of February 16, 2007.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation issued on March 21, 2007; and

(2) DISMISSES this matter without prejudice to refiling.

ENTERED this 3<sup>rd</sup> day of April, 2007.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE